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The Struggle Over Spain

BY JOHN C. deWILDE

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FOR more than twenty months Spain, deadlocked in civil war, has been the battleground of all the forces contending for supremacy in Europe, if not in the world. Within the confines of Spain a miniature world war has raged; and it has been a cause of constant astonishment that the conflict has not engulfed at least all of Europe. For some countries and individuals, the war in Spain represents a clash of political ideologies—an irreconcilable conflict in which the future of democracy, fascism or communism is at stake. For others, it is simply, but not less vitally, a struggle to maintain or disturb the precarious balance of power which has kept Europe in a state of uneasy peace for several years.

The Spanish war has been, above all, a contest between three powers—Germany and Italy on one side, and the Soviet Union on the other. The Third Reich has intervened to bar the establishment of a radical government of socialist or communist inspiration. Only recently Hitler exclaimed: "The German government would see the introduction of bolshevism into Spain as not only an element of unrest in Europe, but also as upsetting the European balance of power."¹ Germany anticipates that a fascist government in Spain would strengthen its own position in Europe; for, in such a case, France would be largely surrounded by unfriendly neighbors who might prevent effective French action in eastern Europe. A régime owing its existence in part to German aid might also be more inclined to conclude favorable commercial arrangements with Germany. The Reich, suffering from an almost chronic shortage of raw materials, can secure from Spain substantial quantities of much-needed iron ore, copper, sulphur pyrites and mercury in exchange for manufactures, machinery and arms. Italy's policy in Spain is dominated by strategic considerations. Spain is a vital factor in the contest for supremacy in the Mediterranean. A fascist or strongly nationalist Spain, might weaken Britain's hold on Gibraltar. Italian-controlled naval and air bases in the Balearic Islands or Spanish Morocco

1. Speech delivered before the Reichstag, February 20, 1938, *New York Times*, February 21, 1938.

could sever French communications with North Africa and endanger the British route to the East.

In assisting the Loyalists, the Soviet Union has been motivated primarily by a desire to arrest the march of fascism. Propagation of communism has by no means been its chief interest. On the contrary, the Soviet government has been instrumental in moderating the social and economic program of the Spanish Communists so that all energies could be concentrated on the successful prosecution of the war against Franco. Moscow fears that the triumph of fascism in any European country would mark another step toward an anti-communist front designed to crush the Soviet Union.

In France and Britain, popular sympathy has generally been enlisted on the side of the Loyalists. While the majority of British people have appraised the Spanish war in terms of a ruthless attack by fascism on democracy, a powerful Tory minority, influential with the British government, has regarded Franco as a bulwark against communism. To these Tories the fight against the communist "menace" has been much more important than defense of Britain's imperial interests against Italian encroachments. Moreover, as Franco advanced, the desire to protect extensive British commercial interests in Spain made establishment of friendly relations with the Nationalists increasingly necessary.

In France the government, relying for support on the Leftist Popular Front, has been drawn to the radical side in Spain; but among the general public there have been, as in Britain, conservative elements favoring Franco. Britain and France have had a common interest in preventing foreign domination of Spain, but they have been noticeably less vigorous in the prosecution of their national interests than the communist and fascist powers. They have been handicapped not only by divisions of opinion at home, but by the desire of the French and British people to preserve peace at almost any price. Soon after the outbreak of the civil war—in August 1936—London and Paris enlisted the cooperation of 27 countries in an undertaking not to intervene in Spain. In this initiative they

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were motivated solely by the desire to keep Spain for the Spaniards and to nip in the bud a tendency toward competitive foreign intervention which threatened to end in a general European war.

By the beginning of 1937 it had become clear that the Franco-British policy of non-intervention was not effective.² The non-intervention agreement consisted simply of a series of notes replying in various terms to the original French proposal. The only common undertaking was not to ship "arms, munitions and materials of war," and even here there was no specific definition of the material the shipment of which had to be prohibited.³ There was no obligation to prevent the departure of volunteers for military service in Spain. Its chief weakness was its failure to provide real machinery for control and enforcement. The Non-Intervention Committee, set up in London to supervise operation of the accord, had no means of checking how the agreement was being carried out.

Under these circumstances violations of the non-intervention agreement had become increasingly numerous.⁴ From the inception of the revolt Franco had obtained valuable aid from Germany and Italy. Germany, in particular, had taken the lead in the first four or five months of the conflict. By the end of 1936, 10,000 Germans were already reported in Rebel Spain.⁵ While few were utilized as infantry, they performed indispensable technical work. Large supplies of war material were also furnished on Franco's pledges of future commercial compensation. During this period Italy's assistance with troops and material was much less significant.⁶ In November 1936 Italy had joined Germany in prematurely recognizing the Rebels as the legitimate government of Spain when they controlled barely more than half of the country.

Aid to the Loyalists had also been substantial. From all countries, particularly France, had come volunteers eager to fight for the Spanish Popular Front government on behalf of democracy or communism. These foreigners, grouped in an interna-

tional brigade, had come in time to bolster the raw, ill-trained recruits of the government and to help save Madrid from capture in November 1936.⁷ Since September 1936 considerable aid had been coming from the Soviet Union. Russian tanks and planes had proved an invaluable contribution to the defense of Madrid. By the end of 1936 Marcel Rosenberg, Soviet Ambassador to Spain, had a large staff functioning in Valencia where he had taken over the largest hotel. He was reported actively participating in the cabinet councils of the Valencia government; and Russian experts were credited with directing the defense of Madrid.⁸

ATTEMPTS TO TIGHTEN UP NON-INTERVENTION

Confronted by foreign intervention on both sides, the French and British governments tried to remedy the major defects of the non-intervention agreement. Through the Non-Intervention Committee they sought the consent of both parties in Spain to a control scheme involving the posting of foreign observers in Spanish ports and places of entry. The other powers were asked, in a note of December 4, 1936, to prohibit recruitment of volunteers and to join in a tender of mediation.¹⁰

Conditions for adoption of such measures were hardly favorable. The Rebel and Loyalist régimes were in no mood to cease hostilities and ultimately rejected the proposal to station foreign observers on their soil.¹¹ After the failure of his offensive against Madrid, General Franco desperately needed reinforcements. The German and Italian governments were apparently determined to provide the necessary troops. Since the Reichswehr restrained Hitler from involving the Reich further in Spain, the brunt of dispatching these reinforcements fell on Italy.¹² The ink was scarcely dry on the Anglo-Italian accord of January 2, 1937, in which, among other provisions, Italy had promised to respect the integrity of Spanish territories, when authentic reports reached London that 4,000 to 6,000 Italian troops had landed at Cadiz. News of further debarcations followed throughout January and February. In the Rebel campaign against Malaga early in February, at least 6,000 Italians took part.¹³

Nor was the Reich's desire to cooperate increased

2. For an analysis of the operation of non-intervention in the first six months of the Spanish conflict, cf. Vera M. Dean, "European Diplomacy in the Spanish Crisis," *Foreign Policy Reports*, December 1, 1936, and Charles A. Thomson, "Spain: Civil War," *ibid.*, January 15, 1937.

3. Cf. Norman J. Padelford, "The International Non-Intervention Agreement and the Spanish Civil War," *The American Journal of International Law*, October 1937.

4. Speaking before the Council of the League of Nations on December 11, 1936 Lord Cranborne, the British representative, recognized that "it is a matter of common knowledge that the forces of both parties are now being augmented from foreign sources to a degree which has assumed alarming proportions." Cf. League of Nations, *Official Journal*, January 1937, pp. 11-13.

5. *The Times* (London), January 7, 1937.

6. Cf. Georges Rotvand, "La politique étrangère de l'Espagne Nationaliste," *Le Temps*, November 13, 1937.

7. Louis Fischer, "Madrid's Foreign Defenders," *The Nation*, September 4, 1937.

9. *The Times*, January 7, 1937.

10. For the text, cf. *L'Europe Nouvelle*, Supplement, April 10, 1937.

11. *Le Temps*, December 24, 1936, January 10, 1937.

12. Cf. Rotvand, "La politique étrangère de l'Espagne Nationaliste," cited; also Berlin dispatch, *New York Herald Tribune*, April 4, 1937.

13. *New York Times*, January 22, 1937.

by a brief, but dramatic flare-up over German penetration of Morocco. Early in January 1937 the French press put into circulation alarmist reports that considerable bodies of German troops had landed in Spanish Morocco, that Franco was fortifying Ceuta and other strategic points with German aid, and that the Germans had practically taken over control of the economic resources in this area. An official French inquiry on January 9 elicited a denial by the Spanish High Commissioner in Morocco that German troops had arrived or were even expected.¹⁴ On January 11 Chancellor Hitler took advantage of his customary New Year's reception for diplomats to assure the French Ambassador that the Reich had no intention to impair in any way the territorial integrity of Spain and its possessions.¹⁵ While the French were disposed to believe that their protests had thwarted Germany's intention to dispatch troops to Morocco,¹⁶ the German press interpreted the whole incident as a deliberate French attempt to discredit the Reich. A correspondent of the *London Times*, specially sent to Morocco, did indeed find that "some of the recent reports of German military activity in the Spanish zone were premature or exaggerated."¹⁷ He saw no German troops in Morocco, but reported that the air activity was almost wholly German, with bases at Melilla and Tetuan.¹⁸ While German propaganda among the natives was considerable and German economic penetration was growing rapidly, reports that the iron mines were practically in German hands were discovered to be "incorrect."¹⁹

In this strained international atmosphere, negotiations on the Franco-British proposal to stop the flow of "volunteers" to Spain made little progress. The patience of France and Britain was severely taxed by dilatory replies from Rome and Berlin. Not without design, the British Admiralty made known its decision on January 7 to send almost the entire Home Fleet into the Western Mediterranean for its annual spring cruise. Simultaneously, French officials declared that a considerable number of warships would be concentrated near Spain "in case they are needed in connection with the Spanish crisis."²⁰⁻²¹ Three days later the British gov-

ernment invoked the Foreign Enlistment Act of 1870 to bar recruitment of volunteers in Britain. At the same time it again approached France, Germany, Italy, the Soviet Union and Portugal with a request that they name the time when they would be ready to put into effect measures prohibiting recruitment and departure of volunteers and troops for Spain. The British note pointed out that the plan of control, which the Non-Intervention Committee had meanwhile worked out as a substitute for the scheme proposed earlier, could easily be extended to cover any eventual agreement regarding volunteers.

Although all the powers now communicated their willingness to accept these suggestions,²²⁻²³ prolonged negotiations were still necessary before action by 27 countries could be effectively coordinated. Moreover, the London Committee had to iron out differences regarding the nature and powers of the naval patrol which was to be drawn about Spain, and to overcome the resistance of Portugal which refused to countenance the suggestion that neutral observers be posted on its soil to watch the Portuguese-Spanish frontier.

STOPPING THE FLOW OF ARMS AND MEN

On February 16 the Non-Intervention Committee could finally decide to apply the prohibition against enlistment, transit and departure of foreign combatants for Spain on February 21. With the reservation of Portugal it approved in principle the control plan elaborated by a technical sub-committee and agreed to put it into operation on the night of March 6-7.²⁴ Portugal did not relent in its opposition to international observers appointed by the Non-Intervention Committee, but finally agreed to allow its boundary with Spain to be patrolled by British officials responsible only to His Majesty's Ambassador at Lisbon.²⁵ After the Soviet Union and Portugal had relinquished their right to participate in the naval patrol, the Committee gave its final approval to the whole control scheme on March 8. The plan did not actually become effective until April 19.

The scheme, when finally put into operation, provided for a large number of observers on land and sea. These controllers were simply to watch for, and report, any attempt to smuggle volunteers or "arms, ammunition and materials of war" into Spain. They were not authorized, however, to stop either volunteers or shipments of forbidden

14. *Ibid.*, January 12, 1937.

15. France, Ministère des Affaires Étrangères, *Bulletin Périodique de la Presse Allemande*, No. 469, pp. 4-5.

16. Paris dispatch, *New York Times*, January 12, 1937.

17. *The Times*, January 12, 1937.

18. *Ibid.*, January 18, 1937.

19. *Ibid.* This report was borne out by a British engineer in Spanish Morocco who asserted the mines were completely free of German or Italian influence, Cf. *New York Times*, January 14, 1937.

20-21. *New York Times*, January 8, 1937.

22-23. For their replies, cf. *L'Europe Nouvelle*, Supplement, April 24, 1937.

24. *L'Europe Nouvelle*, Supplement, April 24, 1937.

25. *Ibid.*

goods, which were now defined more closely in accordance with a classification drawn up by the Secretary of the Non-Intervention Committee.²⁶ Excepting the 130 stationed on the Portuguese boundary, all observers were placed under direction of an International Board for Non-Intervention in Spain which was set up to supervise and administer the scheme. This Board, headed by Vice-Admiral Van Dulm of the Netherlands, included one representative each of the British, Italian, German, French, Soviet, Greek, Polish and Norwegian governments. For the Franco-Spanish frontier the Board named 130 observers, and for the Gibraltar-Spanish boundary only six. These observers had the right to halt and inspect shipments, and were entitled to diplomatic immunities. The sea control system was more complicated. All the powers promised to require their merchant vessels headed for any Spanish port to call at designated places outside of Spain for the purpose of embarking a neutral observer drawn from a corps of 550 divided among 12 ports.²⁷ This observer was given the right to examine the papers of passengers and crew, and to check the goods and persons landed in Spain. In order to insure that all vessels would take on an observer, a naval patrol was established consisting of warships of Italy, Germany, France and Britain. In general the Spanish coast was apportioned in such a way as to give Britain and France the right to patrol the portion held by the Rebels; while Italy and Germany controlled that held by the Loyalists. The patrol vessels were permitted to stop and board merchant ships of the participating states with a view to establishing their identity and destination, and ascertaining the presence of observation officers. Yet they could not search or seize ships.

This ingenious plan, although an obvious improvement over the entirely uncontrolled situation prevailing before, still had many defects. Neither the controllers nor the naval patrol ships could actually stop the flow of contraband and volunteers into Spain; and there was no sanction other than a general undertaking by each participating state to proceed against masters and owners of vessels found to be guilty of smuggling. The agreement did not include either of the contending powers in Spain or any of the extra-European powers, such as Mexico, which was known to be supplying the Valencia government. Patrol ships therefore had no power to stop Spanish and non-

European vessels. Finally, no provision was made to control air traffic with Spain.

CHARGES AND COUNTER-CHARGES

Meanwhile, the agreement on volunteers had brought little improvement in the Spanish situation. When the prohibition became effective on the night of February 20-21, both sides in Spain had already received considerable reinforcements. The number of Italian soldiers with Franco was estimated by various sources²⁸⁻²⁹ to have reached 50,000; and the total foreign volunteers with the Loyalists was put by one authority at 20,000 to 22,000,³⁰ and by another at 35,000.³¹ Reports of Italian troop movements to Spain continued to reach Paris and London. A drive launched by General Franco on the Guadalajara front during March ended in a rather humiliating defeat for the Italian troops who made up the bulk of the attacking forces. With Mussolini's prestige deeply involved in Spain, Signor Grandi, the Italian Ambassador in London, informed the Non-Intervention Committee on March 23 of Italy's categorical refusal to withdraw a single Italian volunteer until the complete and definitive victory of General Franco was assured.³²

On March 13 the Valencia government charged in a telegraphic protest to the League of Nations that the offensive on the Guadalajara front was being conducted by four regular divisions of the Italian army assisted by German troops and by both Italian and German airplanes.³⁴ At the regular May session of the Council, Foreign Minister Alvarez del Vayo submitted a White Book filled with documentary and other evidence tending to prove "irrefutably":

"(1) The existence on Spanish territory of complete units of the Italian army whose personnel, liaison and command are Italian;

"(2) The fact that these Italian military units behave in the sectors assigned to them as a veritable army of occupation;

"(3) The existence of services organized by the Italian government for these military units on Spanish territory as if they were in a finally conquered country;

"(4) The active participation of the most eminent personalities in the Italian government, who have addressed messages to the invading forces, giving them advice and encouragement in their aggression."³⁵

28-29. Cf. dispatch by Pertinax in the *New York Times*, February 16, 1937; also *Manchester Guardian*, February 16, 1937.

30. Herbert L. Matthews, *New York Times*, April 22, 1937.

31. Pertinax dispatch, *ibid.*, February 16, 1937.

32. *L'Europe Nouvelle*, Supplement, April 24, 1937.

34. League of Nations, *Official Journal*, March-April 1937, pp. 263-64.

35. For del Vayo's speech, cf. *ibid.*, May-June 1937, pp. 317-20; for the White Book, *Official Journal*, Special Supplement No. 165.

26. For an excellent description and analysis of the observation scheme, cf. Padelford, "The International Non-Intervention Agreement and the Spanish Civil War," cited.

27. Gibraltar, Dover, Dunkirk, Cherbourg, Brest, Verdon, Palermo, Marseilles, Oran, Siete, Madeira and Lisbon.

The Council, however, saw no reason to take the Spanish problem out of the hands of the Non-Intervention Committee. On May 29 it simply reaffirmed its resolution of December 12, 1936, upholding the obligation of all states to abstain from intervention in the internal affairs of other countries and to respect the territorial integrity and political independence of Spain. It added that these recommendations had "not as yet had the full effect desired" and expressed the hope that the London Committee would soon obtain the withdrawal of all foreign combatants.³⁶

Counter-accusations of foreign intervention on behalf of the Loyalists had meanwhile come from Italy. Non-Italian sources had already reported the arrival, early in April, of a considerable number of fast Soviet airplanes which tended to give Valencia supremacy in the air,³⁷ and had conceded that some 2,000 Spaniards were undergoing training as pilots outside of Spain, "presumably in Russia."³⁸ Yet none of these bore out the sweeping and detailed charges which the Italian journalist, Virginio Gayda, made in a series of articles appearing in *Il Giornale d'Italia* during April.³⁹ France and the Soviet Union were accused of frequent and wholesale breaches of the non-intervention agreement. Officers of the French general staff were said to be organizing the Loyalist forces; recruiting was still proceeding in France; French schools for Spanish pilots had been established, and artillery, rifles and ammunition were being supplied to the Loyalists in large quantities. The Soviet Union was accused of aiding the Valencia government by continuing to send military technicians, rifles, artillery and large quantities of airplanes. To bolster these allegations, M. Gayda produced a long list giving the names of ships, together with their dates of departure, which had passed through the Dardanelles carrying war material to Spain.

Even Britain came under attack for violating its non-intervention undertakings. In Rome, Berlin and Burgos the persistent refusal of Britain and France to recognize a state of belligerency in Spain was considered unfair discrimination against General Franco. By virtue of his *de facto* control of more than half of Spain, Franco was held to be entitled at least to the status of a belligerent. As a belligerent he could have used his naval superiority to exercise the right of search and seizure on the high seas against foreign ships carrying contraband, and to institute a blockade of the Loyalist coast

which non-Spanish merchantmen would be compelled to respect. Despite the French and British determination to regard all interference with their shipping on the high seas as piratical, the Rebel navy and air force—and to a lesser extent that of the Valencia government—constantly stopped, and even attacked, ships outside the 3-mile limit. In protest against these measures, the British government sent a sharp warning to General Franco on March 30,⁴⁰ but when Franco proclaimed a naval blockade around Bilbao early in April, the British temporarily retreated from their intransigent position. While still refusing in theory to concede belligerent rights, Prime Minister Baldwin announced in the House of Commons on April 12 that British shipping could not be protected in the neighborhood of Bilbao.⁴¹ This "abdication" of British rights provoked so many charges of "cowardice" that the government relented and permitted its warships to escort vessels carrying food to beleaguered Bilbao up to the 3-mile limit.

Despite these factors and the serious tension in Anglo-Italian relations over the whole complex of Mediterranean problems, Britain and France were able to prevail on Italy to change its stand on the withdrawal of volunteers. On April 15 Count Grandi announced to the Non-Intervention Committee that Italy was prepared to consider this question and proposed also to exclude from entry into Spain all foreign agitators and propagandists.⁴² A technical subcommittee went to work and on May 24 submitted an elaborate plan for the withdrawal of "volunteers."

NON-INTERVENTION MACHINERY BREAKS DOWN

While this plan was under consideration, an incident occurred which jeopardized the whole system of non-intervention. On May 24 airplanes coming from Valencia had bombarded the Italian warship *Barletta*, anchored in the roadway at Palma, Majorca, killing six officers and wounding several more. Five days later two Spanish planes making a reconnaissance flight over the Rebel center of Ibiza bombarded the German battle cruiser, *Deutschland*, killing 22 sailors and wounding 83. A storm of indignation against the "red assassins" broke out in Germany. The attack was said to have been absolutely unprovoked, carried out at a time when the men were at rest on the forward deck; and the charge of the Valencia government that the ship had first fired on the planes was ridiculed. In summary reprisal four German

36. *Ibid.*, pp. 333-34.

37. *New York Times*, April 6 and 7, 1937.

38. *Ibid.*, April 22, 1937.

39. *Ibid.*, April 6, 8, 9, 15 and 18, 1937.

40. *Ibid.*, March 31, 1937.

41. *Ibid.*, April 13, 1937.

42. *Ibid.*, April 16, 1937.

destroyers and one cruiser appeared off Almeria early on May 31 and poured 200 shells into this Loyalist city, wreaking tremendous damage and causing the loss of at least 19 lives. On the same day the Reich notified the London Committee of this act of reprisal and announced its withdrawal from the naval patrol and the committee until it had obtained sufficient guarantees against the renewal of such incidents. In this action Germany was followed by Italy;⁴³ and Portugal, in a note to Britain dated June 2, 1937, threatened to suspend the facilities granted to British observers on its border with Spain unless Germany and Italy secured the guarantees they demanded.⁴⁴

Although public opinion in Britain was shocked by the bombardment of Almeria, the government simply expressed the hope that the Reich would take no further action to aggravate the situation, and concentrated its efforts on securing the return of the two fascist powers to the patrol system. After consultation with the French government, Britain communicated to Berlin and Rome a plan providing for the establishment of safety zones for patrol ships in Spanish harbors and for immediate consultation among the four powers whenever a patrol ship had been attacked. The German government insisted on obtaining a guarantee that collective reprisals would actually be taken after an attack had occurred. On June 12 Britain, France, Germany and Italy finally reached a compromise agreement. Both parties in Spain were to be requested to give specific assurances that they would respect patrol ships everywhere and would provide them with safety zones in certain harbors. They were also to be notified that any violation of these undertakings or any attack on a patrol vessel would be considered a matter of concern to all four powers. The latter agreed not to resort to any individual retaliatory measures until after they had consulted each other on steps to be taken in common.⁴⁵ Without waiting for replies from Valencia and Burgos, Germany and Italy decided on June 16 to resume collaboration with the Non-Intervention Committee and the naval patrol.

Hardly had this agreement been concluded when an opportunity came to test it. On June 19, the official German news agency reported that four torpedo attacks had been made on the cruiser *Leipzig*—three on the 15th and one on the 18th, each time without hitting the warship. In every instance, the agency asserted, the torpedo had been heard by the ship's acoustic detectors, and in the last attack

the path of the torpedo had been clearly noticed by several observers.⁴⁶ The Reich immediately pressed for action by the four powers. At first it called on them to issue a threatening warning against the repetition of such incidents, to participate in a joint naval demonstration off the Valencia coast, and to intern all submarines belonging to the Loyalist government in some neutral country. Under pressure, the Reich then limited its demands to an immediate naval demonstration.⁴⁷ When the British and French held out for a preliminary inquiry to establish the facts, the German government became indignant. On June 23 it notified the British Foreign Office of its definitive withdrawal from the patrol system. The Italian government again took similar action.⁴⁸

It seemed as if the whole structure of non-intervention, already regarded as a sham in many quarters, was about to collapse. While Germany and Italy continued to be represented in the London Committee and to abide, at least in theory, by their undertakings not to intervene in Spain, it had become increasingly clear that both fascist countries would not permit the triumph of the Loyalists. In a fiery speech delivered at Würzburg on June 27, Hitler frankly declared: "Germany needs to import ore; that is why we want a Nationalist government in Spain—so that we may be able to buy Spanish ore."⁴⁹⁻⁵⁰ In Italy all pretense concerning the presence of Italian volunteers in Spain had been abandoned. Lists of casualties among the Italian legionaries were being published periodically; and the Italian press hailed the triumphant participation of Fascist brigades in the capture of Bilbao.⁵¹ Premier Mussolini's own newspaper, *Il Popolo d'Italia*, proudly exclaimed: "Italy has not been neutral in this conflict, but has fought, and victory will be hers. Madrid will fall, as Bilbao fell, and Spain will be the tomb of Bolshevism, not of Fascism."⁵²

The British government, however, would not be discouraged. Speaking in the House of Commons on June 25, Prime Minister Chamberlain expressed the conviction that "the German government, in merely withdrawing their ships and then saying that they consider this incident closed, have shown a degree of restraint which we all ought to recognize."⁵³ And Foreign Secretary Eden chose this

46. France, Ministère des Affaires Etrangères, *Bulletin Périodique de la Presse Allemande*, No. 474, p. 5.

47. *New York Times*, June 23, 1937.

48. *L'Europe Nouvelle*, Supplement, October 9, 1937.

49-50. *New York Times*, June 29, 1937.

51. France, Ministère des Affaires Etrangères, *Bulletin Périodique de la Presse Italienne*, No. 327, p. 6.

52. *New York Herald Tribune*, June 27, 1937.

53. *The Times*, June 26, 1937.

43. *L'Europe Nouvelle*, Supplement, October 9, 1937.

44. *Ibid.*

45. *Ibid.*

opportunity to remind the Opposition that "war materials, aeroplanes, tanks and so forth supplied to the Government side in Spain from Russia" were very large in quantity.⁵⁴

Britain set about patiently patching the broken machinery of non-intervention. At a meeting of the subcommittee of the Non-Intervention Committee held on June 29 Lord Plymouth proposed that Britain and France patrol the areas deserted by Germany and Italy. In order to guarantee the impartiality of such control, the French and British governments were ready to have neutral observers stationed on their patrol ships.⁵⁵ Italy and Germany rejected this plan on July 2 and offered a counter-proposal, suggesting that the powers abandon the naval patrol entirely and recognize a state of belligerency in Spain. Once belligerent rights were accorded, each party to the civil war would itself be able to stop and search non-Spanish ships on the high seas, and capture any contraband destined for its antagonist. The whole proposal, cleverly conceived to favor the Franco régime, whose naval strength was considerably superior to that of Valencia, met with immediate opposition from France and the Soviet Union.⁵⁶ Meanwhile, Portugal had notified Britain on June 30 that it was withdrawing the facilities accorded British observers on its border until the whole naval patrol situation should be clarified.⁵⁷ Twelve days later France retaliated by also withdrawing its facilities for the international officers on the Franco-Spanish frontier.⁵⁸ The only part of the supervisory machinery still in effect was the provision requiring ships headed for Spain to take on neutral observers.

In order to avoid complete collapse of non-intervention, the Non-Intervention Committee asked the British government to devise some compromise. By July 14 the Foreign Office had worked out an ingenious proposal which included the following provisions:

(1) Retention of the practice of placing neutral observers aboard ships going to Spain and prompt restoration of the control over land frontiers.

(2) Replacement of the naval patrol by neutral observers in Spanish ports. Possible reinforcement of non-intervention by stationing observers on Spanish airbases to control the arrival of foreign planes.

(3) Withdrawal from Spain of all persons who, on the outbreak of the civil war, were nationals or residents of any country subscribing to the non-intervention agreement. Commissions to be sent to Spain for

the purpose of arranging and supervising this withdrawal.

(4) Extension of belligerent rights to both parties in Spain "when the Non-Intervention Committee place on record their opinion that the arrangements for the withdrawal of foreign nationals are working satisfactorily and that this withdrawal has in fact made substantial progress." Belligerency was to be recognized only on the condition that both parties (a) recognize as contraband only those articles whose shipment was prohibited under the non-intervention agreement and any others that might be designated by the London Committee, (b) agree not to molest ships carrying neutral observers unless these were engaged in unneutral service or sought to break a blockade, nor to interfere with neutral shipping not engaged in traffic with Spain.⁵⁹

While the British plan first appeared to meet with success, an irreconcilable difference of opinion on an important question of procedure soon developed. Italy, supported by Germany and Portugal, insisted that belligerent rights should be granted immediately, without waiting for the withdrawal of volunteers; and the Soviet Union refused even to consider recognition of belligerency until every foreign soldier had departed from Spain. France, Britain and the other countries adhered to the order of procedure laid down in the British plan. In the face of this deadlock the subcommittee considering the scheme decided on August 6 to adjourn *sine die*, but not until after adopting a British suggestion inviting Vice-Admiral Van Dulm to prepare a report showing how the control scheme had actually functioned and indicating how its operation could be improved.⁶⁰

CAMPAIGNING AGAINST "PIRACY"

Meanwhile, the Rebel campaign against maritime trade with the Loyalists was intensified. Attacks on shipping, both foreign and Spanish, became increasingly frequent, particularly during August. Russian, British and French ships were attacked and sunk without warning. Unidentified submarines suspected to be of Italian origin became a serious menace in the Mediterranean and threatened to cut the Loyalists off from vital foreign supplies. On August 30 the French government suggested to Britain that an immediate conference be called to make the Mediterranean safe for neutral commerce. A torpedo attack on the British destroyer *Havock* and the sinking of the British tanker *Woodford* on August 31 removed all hesitation in

54. *Ibid.*

55. Cf. *L'Europe Nouvelle*, Supplement, October 9, 1937.

56. *Ibid.*

57. *Ibid.*

58. *Ibid.*, Supplement, October 30, 1937.

59. For text of the plan, cf. *New York Times*, July 15, 1937; for a critical analysis, cf. Padelford, "The International Non-Intervention Agreement and the Spanish Civil War," cited; also "Spain: The British Compromise Plan," *The Bulletin of International News*, August 7, 1937.

60. *L'Europe Nouvelle*, Supplement, October 30, 1937.

London. On September 6 the Mediterranean and Black Sea powers, together with Germany, received a Franco-British invitation to confer at Nyon, Switzerland, on September 10 in an effort to remedy the "intolerable situation" created by air and submarine attacks on non-Spanish ships. British and French patience was near exhaustion.

The outcry against "piracy" in France and Britain aroused nothing but scorn in Rome and Berlin. The German press unanimously accused Moscow and Valencia of perpetrating the "piratical" acts and assailed Britain for taking energetic measures to protect its own ships after it had treated so lightly the alleged attack on the German cruiser *Leipzig*.⁶¹ The Italian press repudiated charges that Italian submarines were guilty, and at least one organ expressed the opinion that the Spanish Nationalists had been forced into "piracy" because other powers had stubbornly denied them the belligerent rights of visit, search and seizure on the high seas.⁶² After the sinking of two Soviet steamers on August 30 and September 1, the Soviet Ambassador in Rome delivered a sharp note placing "upon the Italian government the full responsibility for the political as well as material consequences" of these "aggressive actions of Italian naval forces."⁶³ On September 7, the same day the note was received, Italy summarily rejected Moscow's demands.⁶⁴ In reply to the Franco-British invitation, the Italian and German governments now declared they would discuss measures to protect shipping only in the Non-Intervention Committee. To the astonishment of Berlin and Rome, Britain and France, unwilling to trust the dilatory proceedings of the London committee, decided resolutely to proceed with the Nyon conference.

Acting with unprecedented promptness, the nine powers⁶⁵ represented at the Nyon Conference reached an agreement on September 14. They undertook to instruct their naval forces to counter-attack, and, if possible, to sink any submarine which should attack a non-Spanish merchant vessel in violation of international law;⁶⁶ and to

adopt the same measures against "any submarine encountered in the vicinity of a position where a ship not belonging to either of the conflicting Spanish parties has recently been attacked" whenever circumstances gave "valid grounds for the belief that the submarine was guilty of the attack."⁶⁷ The British and French fleets were given the right to patrol the Mediterranean with this objective, the powers in the Eastern Mediterranean retaining only the right to operate against "piracy" in their own territorial waters. The Tyrrhenian Sea was reserved for possible patrol by Italy. While sanctions were provided only against submarine attacks in violation of international law, the preamble of the agreement expressly stipulated that it did not in any way admit "the right of either party to the conflict in Spain to exercise belligerent rights or to interfere with merchant ships on the high seas even if the laws of warfare at sea are observed."

This accord, which was followed on September 17 by a supplementary agreement extending similar protection to ships attacked illegally by surface vessels or aircraft, soon succeeded in ridding the Mediterranean almost entirely of "piracy." Encouraged by their own boldness, the powers acted with equal vigor at Geneva. Although rejecting the plea of the Valencia government to stamp Germany and Italy as aggressors in Spain and to call for the termination of the non-intervention agreement, the League of Nations Assembly expressed its regret at the failure to secure the withdrawal of foreign combatants from Spain and frankly recognized "that there are veritable foreign army corps on Spanish soil, which represents foreign intervention in Spanish affairs." Unless foreign soldiers were withdrawn "in the near future," the Assembly declared, the powers subscribing to the non-intervention accord would "consider ending the policy of non-intervention."⁶⁸

EFFORTS TO REVITALIZE NON-INTERVENTION

Nevertheless, Britain and France were determined to leave no stone unturned in an effort to

61. France, Ministère des Affaires Étrangères, *Bulletin Périodique de la Presse Allemande*, No. 476, pp. 4-5.

62. Cf. *La Tribuna* of September 14, quoted in *Bulletin Quotidien de la Presse Étrangère*, September 16, 1937.

63. *New York Times*, September 8, 1937.

64. *Ibid.*

65. Britain, France, the Soviet Union, Bulgaria, Greece, Egypt, Yugoslavia, Rumania and Turkey.

66. Rules laid down in the London Naval Treaty of 1930 and confirmed in the London Protocol of November 6, 1936 provide that, unless ships persistently refuse to stop on being summoned or resist visit and search, submarines "may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety." Cf. United States, Department of State, *Treaty Information Bulletin* No. 86, November 30, 1936, p. 6.

67. Cf. League of Nations, *Document C.409.M.273.1937.VII*. The signatory powers also subscribed to measures making the whole arrangement easier to operate. No submarines were to be sent into the Mediterranean except for purposes of "passage" and even then they had to proceed on the surface and be accompanied by surface ships. Certain "reserved" areas were exempt from this prohibition. To simplify the task of protecting commerce, the parties could "advise their merchant shipping to follow certain main routes" defined in an Annex to the agreement.

68. The resolution was not officially adopted because two countries—Albania and Portugal—voted against it. Fourteen delegations abstained from voting. For text of the resolution, cf. League of Nations, *Official Journal, Special Supplement* No. 169, pp. 99-100.

enlist Italy's cooperation. They invited the Italian government to adhere to the Nyon accord and patrol the Tyrrhenian Sea. When Italy indignantly rejected this suggestion, unless it were accorded a status of "absolute parity" with other countries, Britain and France assured Rome that they by no means refused to recognize "the position of Italy as a great Mediterranean power."⁶⁹ On September 21 the three powers reached an agreement providing for Italy's adherence to the Nyon arrangement on a basis of complete equality with France and Britain.⁷⁰ London and Paris now decided to press for a comprehensive understanding on Spain. After obtaining renewed assurances that Italy had no intention of making any changes in the territorial status of Spain, they dispatched a joint note on October 2, inviting Italy to participate in tripartite conversations for the withdrawal of volunteers from Spain.⁷¹ To the Italian government, however, this note seemed an obvious manoeuvre to separate Rome and Berlin. On October 9 it rejected the invitation and insisted that the whole problem be referred again to the Non-Intervention Committee where Germany also would be entitled to participate in its discussion.

This rebuff marked one more attempt to delay effective action. How irrevocably Italy was committed to a Rebel triumph in Spain had been apparent in the congratulatory telegrams which Franco and Mussolini had exchanged at the end of August on the fall of Santander. At that time *Il Duce* had praised the achievements of Italian legionaries and declared that "this brotherhood of arms, already close, guarantees the final victory which will liberate Spain in the Mediterranean from any menace to our common civilization."⁷² The semi-official *Informazione Diplomatica* frankly admitted the presence of 40,000 Italian volunteers in Rebel territory,⁷³ while estimates from non-Italian sources ranged from 60,000 to 180,000.⁷⁴

Although the French government was becoming impatient and was threatening to reopen the Franco-Spanish frontier to arms traffic, Britain persuaded it to participate in another effort to secure a settlement within the Non-Intervention Committee. On October 16 the subcommittee which had adjourned *sine die* on August 6 was convened once more. It soon became apparent that the same deadlock persisted. While Signor Grandi expressed

Italy's willingness to accept an initial "token" withdrawal of an equal number of volunteers from each side, he still insisted on immediate recognition of belligerency.⁷⁵ The French Ambassador also suggested a token withdrawal, but one proportionate to the number serving on each side, and made clear that recognition of belligerent rights should not be granted until the commissions in charge of evacuating foreign soldiers reported execution of their task "sufficiently advanced." The only action taken was to refer to a technical subcommittee the Van Dulm report which had been received on August 27. This report, the contents of which were not published, had made certain proposals to tighten control over observance of the non-intervention agreement. While describing the system for observation of Spain's land frontiers as generally effective, it had found the naval patrol incapable of stopping contraband traffic by sea and had accordingly proposed its abolition.⁷⁶ Following this recommendation, the French and British had served notice on September 17 that they were abandoning the patrol.⁷⁷

After another month of wrangling, particularly concerning the time when belligerent rights should be granted, a measure of agreement was finally attained. On November 4 the Non-Intervention Committee adopted a resolution recording its acceptance of the British plan of July 14, 1937 and authorizing the British chairman to secure from both parties in Spain their agreement to cooperate in the withdrawal of non-Spanish combatants and to receive two commissions—one for each side—which would estimate the total number of foreigners to be withdrawn and make arrangements for their evacuation in a manner to be determined by the Non-Intervention Committee and "in accordance with the proportions of the numbers of non-Spanish nationals serving on each side." Control over Spain's land frontiers was to be re-established and strengthened just before commencement of evacuation, at which time the proposals of the Van Dulm report for the reinforcement of the sea observation scheme were also to be put into effect.⁷⁸ Belligerent rights were not to be accorded until a "substantial" number of foreign soldiers had been withdrawn. The fascist powers thus made important concessions, possibly in the conviction that before the plan could be carried out, Franco would win a complete victory.

69. *L'Europe Nouvelle*, Supplement, November 13, 1937.

70. *New York Times*, September 22, 1937.

71. For text of this note and of the Italian reply, cf. *ibid.*, October 10, 1937.

72. *The Times*, August 28, 1937.

73. France, Ministère des Affaires Étrangères, *Bulletin Périodique de la Presse Italienne*, No. 329, p. 7.

74. Dispatch from Herbert Matthews, *New York Times*, October 30, 1937.

75. *L'Europe Nouvelle*, Supplement, November 13, 1937.

76. *New York Times*, August 29, 1937; *New York Herald Tribune*, August 30, 1937; and *Christian Science Monitor*, October 18, 1937.

77. *New York Herald Tribune*, September 18, 1937.

78. Cf. "Spain: The Non-Intervention Committee's Resolutions," *The Bulletin of International News*, November 13, 1937.

The Soviet representative abstained from voting on those parts of the resolution touching the grant of belligerent rights, but under pressure from London and Paris the Soviet government finally informed the subcommittee on November 16 that it accepted the November 4 resolution in entirety.⁷⁹

The hope aroused by this agreement was soon dissipated. While both parties in Spain accepted the London committee's proposals in principle, they made many important reservations as to their practical operation.⁸⁰ Moreover, when an attempt was made to get agreement on the composition and powers of the two commissions which would be sent to Spain, negotiations dragged almost interminably. By December 22 substantial agreement had been achieved on the mandate of the two commissions, but no accord on their personnel.⁸¹ Several months passed while the powers again wrangled over the question when progress with the withdrawal of volunteers could be considered "substantial" enough to justify recognition of belligerent rights.

This delay benefited only the Spanish Nationalists. A partial blockade instituted by Franco was interfering seriously with the Loyalists' foreign sources of supply, while the Rebels apparently continued to receive large quantities of war material. Equipped with superior *matériel* Franco won a decisive victory at Teruel in February, and the following month launched a successful drive on the Aragon front which gravely imperiled the Loyalist cause. On March 15 Premier Juan Negrin flew to Paris to make a dramatic, but vain plea for immediate assistance.⁸²⁻⁸³ Although alarmed at the imminence of a Franco triumph, the French government refused to shoulder the risk entailed by official intervention in Spain, especially since Britain declined to support such a move.

BRITAIN TURNS TO BERLIN AND ROME

The failure during recent months to bring into practical operation the November agreement for reinforcement of non-intervention was largely due to Britain's preoccupation with other problems. For one thing, the British government had become more interested in establishing good relations with Franco whose ultimate triumph it regarded as increasingly probable. It was anxious to protect not only British commerce with Nationalist Spain, but

also British investments which were estimated at £30,000,000⁸⁴ and were concentrated primarily in Insurgent territory. Early in November the Foreign Office accordingly arranged with Franco an exchange of commercial agents,⁸⁵ which was interpreted in many quarters as the first step toward official recognition.

Under the leadership of Prime Minister Chamberlain, Britain also evinced a growing desire to come to terms with Hitler and Mussolini, even at the expense of sacrificing Spain to Franco. War in the Far East and conflict with the fascist countries in Europe seemed to threaten British interests at too many points. Chamberlain was determined to relieve this situation through agreements with Berlin and Rome. Lord Halifax was sent to Germany late in November for conversations with Hitler and other German leaders. When these interviews proved disappointing, Chamberlain felt all the more justified in approaching Rome. Anglo-Italian relations had been severely strained by the contest for control of the Mediterranean, by Italian propaganda among the Arabs, by Britain's refusal to recognize the conquest of Ethiopia and by other questions. The British Prime Minister, supported by most of his colleagues, decided to seek a settlement of all these outstanding issues. In his desire to open conversations with Italy he was opposed by his Foreign Secretary, Anthony Eden, who not only doubted the advisability of negotiating with the fascist powers, but in particular insisted that Italy should first demonstrate its good faith by withdrawing its troops from Spain. With Eden's resignation on February 20, Chamberlain's policy triumphed. Almost on the heels of this victory came the sudden coup by which Hitler united Austria with the Reich. Although this dramatic development has certainly deferred indefinitely an Anglo-German rapprochement, it may hasten an understanding between Britain and Italy both of which are alarmed at the prospect of German hegemony on the continent. Yet such an understanding is unlikely to benefit Loyalist Spain. Driven from central Europe, Mussolini will probably reject any proposals that might impede a Nationalist triumph in Spain.

CONCLUSION

In retrospect, the policy of non-intervention originally promoted by France and Britain can hardly be called successful. At most the non-intervention agreement and the London committee

79. *Ibid.*, November 27, 1937.

80. For terms of Franco's reply, received in London on November 22, cf. *New York Herald Tribune*, November 23, 1937 and *The Times*, December 8, 1937. The answer of the Loyalist government is reprinted in *Le Temps*, December 4, 1937.

81. *The Times*, December 23, 1937.

82-83. *New York Times*, March 16, 1938.

84. *Ibid.*, February 5, 1937.

85. Cf. the declarations of Mr. Eden in the House of Commons on November 8, *The Times*, November 9, 1937.

have drawn a thin veil over the continuous flow of arms and men to Spain. The contradictory nature of the evidence makes it difficult to establish with absolute certainty which countries have been most guilty of violating the undertaking not to intervene in Spain. Britain is the only major power which has strictly abided by its obligations. The French government has been less scrupulous and, particularly since the abolition of the land frontier control, appears to have winked at repeated breaches of the non-intervention accord. Only the totalitarian states—Italy, Germany and the Soviet Union—have been guilty of officially sponsored intervention on a large scale; and in this contest the Soviet government, far removed from the scene of conflict, has been under a distinct handicap. Under these circumstances, the failure of Britain and France to insist on strict enforcement of the agreement has played into the hands of the fascist powers and helped insure a victory for Franco.

Perhaps Britain would have shouldered the risks involved in energetic enforcement or frank abandonment of the non-intervention agreement had not the government been convinced that the countries intervening in Spain would not reap the rewards they anticipated. Downing Street has believed all along that, no matter which side should win, the ensuing political régime would be essentially Spanish and free from foreign domination.

The end of the civil war is indeed unlikely to bring the unadulterated triumph of either fascism, communism or democracy. A totalitarian régime, whether communist or fascist, may well prove incompatible with the intense individualism of the Spanish people. Should Franco triumph, he would probably meet with great difficulty in any attempt to impose the Italian or German brand of fascism. In the event of a Loyalist victory, communism is equally unlikely. In fact, the influence of the Communists in the Loyalist government appears to have declined steadily in recent months.⁸⁶ Yet the development of a real democracy also seems improbable in a country where it is not deeply rooted in national traditions and where tolerance for clashing political views hardly prevails.

The external policy of Spain would appear in greater danger of falling under foreign domination. Since both parties, especially the Insurgents, have benefited extensively from outside assistance, they owe a debt to foreign powers on which payment may be demanded. But any attempt to demand political concessions in return for this assistance would undoubtedly arouse the indignation of the Spanish people who are proud of their independ-

ence and traditionally intolerant of foreign intrusion.⁸⁷ Thus the Nationalists would alienate whatever popular support they have obtained should they provide Italy or Germany with permanent air or naval bases; and the Loyalist régime would arouse equal resentment if it permitted continual interference by the Soviet government in Spain's internal or external affairs.

As yet there is no convincing evidence of foreign domination of Spain. On the Loyalist side, Soviet influence appears to have become less conspicuous after the recall of Marcel Rosenberg in April 1937. On the Franco side, many foreign reports regarding Italian and German penetration were proved subsequently to be greatly exaggerated. This was true, for example, of the alarming news concerning German activity in Spanish Morocco.⁸⁸ While the Italians were once reported in almost complete control of the strategic island of Majorca, dispatches of newspapers correspondents on the spot during October and November 1937 revealed that Franco had asserted his authority and garrisoned the island exclusively with Spanish troops, excepting only a few hundred Italians engaged in the air forces.⁸⁹ Yet Franco will no doubt allow Germany and Italy to reap considerable commercial benefits, if only to liquidate the debt incurred for delivery of war material. The Nationalists are said to owe 3.5 billion lire to Italy,⁹⁰ and probably a greater amount to Germany. With the Reich an active trade is being conducted under a compensation agreement concluded on July 17, 1937.⁹¹ While Germans have been increasingly active in organizing Spanish business, they have no monopoly of commerce or raw materials. British and French companies in Spain have been left in possession of their mining and other concessions, although raw materials have been requisitioned in substantial amounts to pay off debts to Germany and Italy.⁹² In a general European war, Franco's sympathies would probably be with the fascist countries; yet powerful factors would draw him also toward Britain. Not only does Britain still occupy an important strategic position in the Mediterranean, but it affords the largest market for Spanish products and is better able than either Germany or Italy to assist financially in the reconstruction of Spain.

87. Cf. Spanish correspondence in the *Frankfurter Zeitung*, November 13, 1937.

88. Cf. p. 16.

89. *New York Times*, October 31, November 1, and 28, 1937.

90. *Financial News*, February 5, 1938.

91. Cf. *Frankfurter Zeitung*, July 22, 1937.

92. Cf. annual report of the chairman of the Rio Tinto Company, *The Economist*, May 1, 1937.

86. A review of internal developments in Spain will be published on May 1 by the Foreign Policy Association.